

Notice of Allowability

Application No.

10/627,868

Examiner

Sandra M. Nolan

Applicant(s)

YANG, JOO HWAN

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the 10 January 2005 response.
2. ☒ The allowed claim(s) is/are 1 and 2.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other 7-28-03 Prel. Amdt.

S.M. Nolan - Royford
SANDRA M. NOLAN-ROYFORD
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Jiwen Chen (202/638.666), on 24 March 2005.
3. The application has been amended as follows:

In the Specification

At page 1, immediately following the title, the sentence added via the Preliminary Amendment dated 28 July 2003 (copy enclosed) has been amended to read:

-- This is a continuation-in-part of US SN. 09/756,708, filed January 10, 2001 and now abandoned. --

In the Claims

Claims 1 and 2 have been amended to read:

-- Claim 1 (currently amended). A process for preparing hardshell gelatin capsules while reducing static electricity and enhancing the lubrication of gelatin films distributed therein, which process comprises the steps:

i) preparing an emulsion containing 0.4 to 0.8 part by weight of one or more diacetylated monoglycerides, 0.05 to 0.1 part by weight of sodium lauryl sulfate and 0.005 to 0.01 part by weight of colloidal silicon dioxide as a caking agent;

[cont'd]

Art Unit: 1772

ii) adding the emulsion to a gelatin solution containing 100 parts by weight of gelatin;

iii) mixing and homogenizing the product of step ii);

iv) adjusting the viscosity of the mixture of step iii);

v) allowing the product of step iii) to stand; and

vi) forming a hardshell gelatin capsule therefrom.

Claim 2 (currently amended). The process of claim 1 wherein the diacetylated monoglycerides are transparent liquids and the HLB value of the sodium lauryl sulfate is between 38 and 42. --

Remarks

The priority statement in the specification has been amended to include the status of the parent application, SN. 09/756,708.

The claims, as revised here, are simplified and more correct grammatically.

REASONS FOR ALLOWANCE

4. Upon reconsideration, in light of applicant's arguments on pages 3-5 of the 10 Janaury 2005 response, the 35 USC 103 rejections set out in the 12 October 2004 office action have been withdrawn.

5. The examiner notes that unmodified colloidal silicon dioxide will have the same chemical properties regardless of the environment in which it is used. Nonetheless, the use of silicon dioxide "as a caking agent" is not fairly suggested by the combined art cited in the rejections of record.

Art Unit: 1772

6. The sole base claim of the application is claim 1, which can be summarized as follows:

Claim 1, as now amended, covers a process for making hardshell gelatin capsules via the steps of:

- i) preparing an emulsion containing:
 - 0.4 to 0.8 part by weight of one or more diacetylated monoglycerides,
 - 0.05 to 0.1 part by weight of sodium lauryl sulfate and
 - 0.005 to 0.01 part by weight of colloidal silicon dioxide caking agent;
- ii) adding the emulsion to a solution containing 100 parts by weight of gelatin;
- iii) mixing and homogenizing the product of step ii), then adjusting its viscosity;
- v) letting the viscosity-adjusted product stand; and
- vi) forming a capsule therefrom.

7. The examiner has found no applicable prior art that teaches or suggests a hardshell capsule-making process having all of the features of claim 1.

Conclusion

Any inquiry concerning this communication should be addressed to Sandra M. Nolan-Rayford, at telephone number 571/272-1495. She can be reached Monday through Thursday, from 6:30 am to 4:00 pm, ET.

If attempts to reach the examiner are unsuccessful, contact her supervisor, Harold Pyon, at 571/272-1498.

The fax number for patent application documents is 703/872-9306.

S.M. Nolan-Rayford
S. M. Nolan-Rayford
Primary Examiner
Technology Center 1700

10627868(20050323)

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